

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

MISC. CASE NO.: 9:22-mc-82004-DMM

RICHARD J. LEUNG, MD,

Petitioner,

v.

DANE STREET, LLC,

Respondent.

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RICHARD J. LEUNG, MD,

Plaintiff,

Related CASE NO.: 3:22-cv-00767-W-JLB  
(Southern District of California)

v.

UNUM LIFE INSURANCE COMPANY  
OF AMERICA; and DOES 1 through 10,  
inclusive,

Defendants.

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**THIRD-PARTY, DANE STREET, LLC'S, UNOPPOSED  
MOTION TO REQUEST ALTERNATIVE HEARING DATE**

Third-Party/Respondent, Dane Street, LLC ("Dane Street"), by and through its undersigned counsel, hereby moves unopposed to request an alternative date for the hearing in this matter currently scheduled for January 27, 2023. In support of this Unopposed Motion, Dane Street states as follows:

1. Plaintiff commenced this ancillary discovery-related proceeding on December 30, 2022. [ECF No. 1].

2. On January 12, 2023, Dane Street filed its Combined (1) Response in Opposition to Plaintiff's Motion to Compel Compliance With Subpoena and Motion to Transfer Jurisdiction

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(the “Response”), and (2) Motion to Quash Plaintiff’s Subpoena for Deposition and/or for Protective Order (the “Motion to Quash and/or for Protective Order”). [ECF No. 11].

3. On January 19, 2023, this Court entered a Notice of Hearing scheduling this case for a videoconference hearing on January 27, 2023.

4. Lead counsel for Dane Street, however, has an unavoidable conflict on the date scheduled for the hearing, which cannot be adjusted at this time.

5. Accordingly, Dane Street hereby moves unopposed to request an alternative date for the hearing currently scheduled for January 27, 2023.

6. On January 20, 2023, counsel for Dane Street conferred with Plaintiff’s counsel, who confirmed that Plaintiff does not oppose the relief requested in this Unopposed Motion.

7. In addition, the Parties hereby propose that they are available for the hearing in this matter on either January 30, 2023, or February 3, 2023.

8. Based on the foregoing, Defendant maintains that it has set forth sufficient cause in support of its request for an alternative hearing date.

9. This Unopposed Motion is made in good faith and not for the purpose of delay. Moreover, neither Party will be prejudiced by the Court’s granting of this Unopposed Motion.

10. A proposed order granting this Unopposed Motion is attached.

#### **CERTIFICATE OF CONFERRAL**

In compliance with Local Rule 7.1(a)(3), counsel for Dane Street conferred with Plaintiff’s counsel by email on January 20, 2023, who confirmed that Plaintiff does not oppose the request for alternative hearing date set forth in this Unopposed Motion. Additionally, Plaintiff provided alternative dates to reschedule the hearing for this matter. Counsel for Dane Street also conferred with counsel for Defendant, Unum, by email on January 23, 2023, who

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confirmed that Defendant is not opposed to the relief requested in this Unopposed Motion.

WHEREFORE, Dane Street respectfully requests that the Court enter an Order granting this Unopposed Motion and re-noticing the hearing for this matter on either January 30, 2023, or February 3, 2023.

Dated: January 23, 2023

Respectfully submitted,

By: s/ Scott S. Allen

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*Attorneys for Third-Party, Dane Street, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of January 2023, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List via transmission of Notices of Electronic Filing generated by CM/ECF.

s/ Scott S. Allen

Scott S. Allen, Esq.

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